

Appl. No. 10/681,916
Amendment dated September 10, 2008
Reply to Office Action of May 13, 2008

Amendments to the Drawings:

Please replace the set of drawings currently on file with the replacement sheets of drawings submitted herewith.

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REMARKS/ARGUMENTS

In the Office Action, the Examiner objected to the disclosure and required correction of the second complete sentence on page 2. With this amendment, Applicant has rewritten that sentence to correct the error noted by the Examiner. Applicant has also corrected a minor typographical error in the disclosure at page 14, line 25.

The Examiner objected to the drawings on the grounds that lines, numbers and letters are not uniformly thick and well defined, and numbers and reference characters are not plain and legible. Applicant has prepared new corrected drawing sheets which are being submitted herewith as "replacement sheets". Minor typographical errors in the drawings have also been corrected.

The Examiner objected to the claims on the grounds that certain claims which depend from a dependent claim are separated by claims which do not also depend from the same dependent claim. In order to overcome the Examiner's objection, Applicant has amended the sequence of the claims by cancelling claims 17, 19 and 21 and adding new claims 22, 23 and 24 corresponding to those cancelled claims.

In the Office Action, the Examiner rejected claims 1 to 9 and 13 to 21 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention and because the claimed invention is directed to non-statutory subject matter. With this amendment, Applicant has amended claims 1 and 13 to address the Examiner's objections. In particular, the amended claims clarify that the suppliers, vendors and information are all being registered. Further, claims 1 and 13 have been amended to include concrete and tangible system elements, permitting the invention to be understood and practised by a person skilled in the art to which it pertains, thus resulting in claims that are clear and directed to statutory subject matter.

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The elements of claim 2 have been incorporated in claim 1 and claim 2 has therefore been cancelled. The dependency of claim 4 has been amended and minor typographical errors have been corrected in claims 9 and 16.

The Examiner has rejected claims 1 to 21 as being anticipated by U.S. Patent No. 7,340,419 (Walker et al.). Applicant requests reconsideration of the Examiner's rejection in view of the following comments.

Walker relates to methods and systems for slotting products into categories based on substitutability of the related products, and does not solve the problem of finding shelf space in a store for suppliers. According to Walker, anyone (including, for example, retail stores, manufacturers, suppliers) can register and display their products on the website, and can compete for advertising in the substitute slots that are displayed alongside products within a certain category. The categories, products and substitute slots are all strictly in cyber space.

The present invention provides a solution to a problem not recognized, contemplated, taught or suggested by Walker. In contrast to Walker, the present invention provides the supplier of a particular, and not a substitute, product with an opportunity to select a store based on category, cost of shelf space, percentage on sales and location. The present invention links the supplier to the vendor through the purchase of shelf space and filling of the space with products. This links product information to vendor information. The invention relates to actual physical shelf space in a store and not to "shelf space" in cyber space.

For the Examiner's assistance, the following is a brief summary of the system of the present application:

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The vendor offers shelf space. The vendor provides general information (name, address, telephone, e-mail etc.) in the vendor's account. The vendor provides the information regarding the shelf units (units available, cost of units, percentage on sales). This information affects the functionality of the system. Suppliers depend on this information to decide whether to proceed or not.

Suppliers register their information and product information in their account. Registered suppliers browse registered vendors and select a store with a suitable location, category, cost of shelf space, availability of shelf space and percentage on sales.

The supplier pays for the shelf space. This automatically links the supplier information to the vendor information. The system links some supplier information to some vendor information. For example the vendor name, vendor address, vendor phone number is linked to supplier name, supplier email address.

Next the supplier has to select a product to fill the purchased vendor shelf space. The supplier selects a product to fill the shelf space. This product information (product name, product description, product category, price) appears alongside the supplier and vendor information as previously indicated.

The system combines the vendor information, supplier information and product information. The vendor address determines the location of the product. This combined information becomes available for public viewing. Consumers can view the products based on categories and location. This

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is possible because the supplier information (including product information) is linked to the store information. The physical location (vendor address) of the product appears to the public when shelf space is purchased and filled.

Vendor accounts will be updated on the amount of shelf space available, products sold, products in stock, product shipped by supplier. Supplier accounts will also be updated on the products sold by the vendor, products in stock, expired shelf space, etc. The vendor account is linked to the supplier account in some areas. This means that some information in the supplier account may originate from the vendor account and some information in the vendor account may originate from the suppliers account.

The amended claims encompass the invention as described above. Walker discloses a completely different invention and does not teach or suggest the subject matter of the claims of this application. In view of the above comments, the Examiner is requested to reconsider and withdraw the anticipation objection based on Walker.

Favourable reconsideration of the application in view of the foregoing amendments to the claims and remarks is respectfully requested.

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No new matter has been added. Prompt passage of this application to allowance is respectfully requested.

Respectfully submitted,
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